

### REMARKS

Claims 1-13 are in this application and are presented for consideration. By this Amendment, Applicant has amended claims 1-13.

Claims 1-13 have been rejected under 35 U.S.C. 101 as being directed to nonstatutory subject matter. The Office Action states that claims 1-13 are directed to nonstatutory subject matter because the limitations requiring "manual" actions can be interpreted as encompassing a human being given the broadest reasonable interpretation of the claimed invention as a whole.

Applicant has amended the claims to remove the term "manual". As such, it is Applicant's position that the claims as now presented relate to patentable subject matter.

The Office Action states that claims 3-11 are directed to nonstatutory subject matter because the claims encompass more than one statutory class of invention.

Applicant has amended claim 3 such that claim 3 is only directed to a commissioning system. As such, it is Applicant's position that claim 3 as now presented is directed to statutory subject matter. Accordingly, Applicant respectfully requests that the Examiner favorably consider claim 3 as now presented and all claims that depend thereon.

Claims 1-13 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended the claims such that the claims as now presented conform to U.S. style. Further, Applicant has amended the preamble of claim 1 as well as the preamble of claim 3. Claim 3 has been amended to clearly claim the commissioning system. It is Applicant's

position that the claims as now presented are clear and satisfy the requirements of the statute.

Claims 1, 3, 4, 9 and 12 have been rejected under 35 U.S.C. 102(b) as being anticipated by Yuyama et al. (US 5,832,693 A).

The present invention relates to a method and a device for commissioning articles. In the present invention, a plurality of first articles and a plurality of second articles are provided. Each first article has a transportation property that allows it to be transported on the central belt of the central belt commissioning device. Each second article has a transportation property that prevents it from being transported along the central belt, i.e. the second article is too heavy, too large or too fragile to be transported along the central belt. The first articles, i.e. the articles which are not too large or too heavy, are placed on the central belt and are transferred along the belt. In the present invention, containers are arranged on the conveying track and the second articles are placed in the containers. The containers filled with second articles are transferred either to the dispatch station or to the central belt. When the second articles are transferred to the central belt, the first articles on the central belt are transferred into the containers that are filled with the second articles. If the containers with the second articles are transported directly to the dispatch station, the first articles are transferred into their own container located at the end of the central belt. This advantageously allows for one container to be used to commission the two different types of articles. This results in a higher commission output since the handling of multiple containers is eliminated. The prior art as a whole fails to provide such features or advantages.

Yuyama et al. discloses an apparatus for collecting ampules. Trays T are raised one by

one to a predetermined height by an elevator means 20. The trays T are then fed horizontally by a downward conveyor means 20' along feeders 60 arranged in vertical rows. The trays T are then fed to a predetermined position by a carrier unit 40 and stacked one on top of another by a tray stacker 50 at the delivery end of the carrier unit 40.

Yuyama et al. fails to teach or suggest the device and method for commissioning articles as claimed. Specifically, Yuyama et al. fails to provide any suggestion for providing two separate paths for two different kinds of articles. At most, Yuyama et al. discloses transferring trays T along a fixed path. In contrast to Yuyama et al., the first articles of the present invention (i.e., the articles which are of proper weight and size) are placed on a central belt while second articles (i.e. articles that are too heavy and fragile to be directly placed on the central belt) located on shelves are placed in containers that are arranged on an adjacent conveying track. The containers filled with the second articles can then be directly conveyed to a dispatch station or to the end of the central belt so that the first articles can be dropped into the containers filled with the second articles. This advantageously provides a higher commissioning output and significantly increases the efficiency of the commissioning process. As compared to the present invention, Yuyama et al. does not disclose that the trays T are transferred to another path once the trays have been filled with ampules so that the trays T can then be filled with different ampules. Yuyama et al. fails to disclose that a container is first filled with one article from one commissioning path whereby the container is then transferred to the end of a central belt so that the container can be filled with another article that is conveyed from a different commissioning path. As such, the prior art as a whole teaches a different approach

and fails to suggest the features of the claimed combination. Accordingly, Applicant respectfully requests that the Examiner favorably consider claims 1, 3 and 12 as now presented and all claims that respectively depend thereon.

Claims 2, 5-8, 10, 11 and 13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Yuyama et al.

As already discussed above, Yuyama et al. fails to teach and fails to provide any suggestion for the combination of filling containers with articles conveyed along one path and transferring the filled containers so that the containers can be filled with different articles conveyed from a separate path. Further, Yuyama et al. fails to provide any suggestion for providing a removing track at a position above a central belt as claimed. As such, the reference does not suggest the combination of features claimed. One of ordinary skill in the art is presented with various concepts, but these concepts do not provide any direction as to combining the features claimed. All claims define over the prior art as a whole.

Favorable action on the merits is requested.

Respectfully submitted  
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